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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MEMC ELECTRONIC MATERIALS,

No. C-01-04925 SBA (JCS) And
Related Case No. C05-2133 SBA (JCS)

Plaintiff(s),

v.

10 MITSUBISHI MATERIALS, ET AL.,

11 Defendant(s).

12 _____ /
**ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL FURTHER
RESPONSES TO JUDGE SPERO'S
ORDER [Docket No. 475] AND
GRANTING IN PART PLAINTIFF'S
MOTION TO COMPEL DEPOSITION
TESTIMONY [Docket No. 531]**

13 AND RELATED CASE

14 SUMITOMO MITSUBISHI,

15 Plaintiff(s),

v.

17 MEMC ELECTRONIC MATERIALS,

18 Defendant(s).

19 _____ /

20 On October 14, 2005, Plaintiff filed a Motion to Compel Further Responses to Judge Spero's
21 Order dated January 12, 2004, and to Request for Production No. 139 (the "Motion to Compel").

22 On November 9, 2005, Plaintiff filed a Motion to Compel Deposition Testimony (the "Motion for
23 Deposition").

24 On November 18, 2005, a hearing was held on the Motion to Compel and the Motion for
25 Deposition. Robert Evans and Marc W. Vander Tuig appeared for Plaintiff. Glenn E. Forbis and Edward
26 V. Anderson appeared for Defendants.

27 For reasons stated on the record, and good cause shown,

28 IT IS HEREBY ORDERED THAT the Motion to Compel is DENIED.

1 IT IS HEREBY FURTHER ORDERED THAT the Motion for Deposition is GRANTED in part.
2 Lead trial counsel for Plaintiff, and lead trial counsel for Defendant, were ordered to meet-and-confer
3 immediately after Court to prepare a list of agreed upon 30(b)(6) witnesses to be deposed on subjects 7,
4 12 and 13 of MEMC's Notice of Deposition, and file it with the Court on **Monday, November 21, 2005**.
5 Unless the parties reach a different agreement, the witnesses shall be produced in the United States for
6 deposition before December 31, 2005. The parties shall split the expenses incurred in transporting the
7 witnesses to the United States including air fare (not to exceed Business Class rates), hotel
8 accommodations and meals. The remainder of the Motion is DENIED.

9 IT IS SO ORDERED.

10
11 Dated: November 23, 2005


12 JOSEPH C. SPERO
13 United States Magistrate Judge